

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/767,722

REMARKS

Applicant wishes to thank Examiner Mehrpour for the telephone interviews so courteously granted to Applicant's undersigned attorney on May 26, 2005.

STATEMENT OF SUBSTANCE OF INTERVIEW

Claim 7 was discussed, and the undersigned attorney pointed out that the primary reference, Kalbermatter, does not disclose (1) a watch crystal having two different thicknesses, i.e., "a thick zone and a thinned zone", (2) a "**keyboard**" including "a plurality of keys...for forming a plurality of capacitive sensors", and (3) "the keys of the keyboard being arranged in the thinned zone". Thus, Kalbermatter does not disclose any "keyboard" which can be modified or replaced by Frenkel's capacitive keys. No agreement was reached.

On page 5 of the Office Action under the heading "Response to Arguments", the Examiner merely states:

Applicant's arguments with respect to claims 2-7, have been considered but are moot in view of the new ground(s) of rejection.

Unfortunately, such a "Response" does not address Applicant's previous arguments questioning the Examiner's (mis)interpretation of the disclosure of the **primary** reference, Kalbermatter '978.

Claims 2-5 and 7 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Kalbermatter '978 in view of Frenkel '339 (newly cited).

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Claim 6 (6/7) stands rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Kalbermatter '978 in view of Frenkel '239 (newly cited) and further in view of Stauffer '569 (newly cited).

The effective (filing) date of Stauffer '569 is **April 24, 2000** which is **later** than Applicant's foreign (Swiss) priority date of **February 2, 2000**. Applicant encloses a certified English translation of Applicant's Swiss priority application 0200/00, thereby **disqualifying** Frenkel as a reference against the present application.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 6, and to find claim 6 **allowable**.

Applicant respectfully traverses the rejection of claims 2-5 and 7 under 35 U.S.C. § 103(a).

As pointed out above, the Examiner's "Response to Arguments" did not address Applicant's previous arguments regarding the deficiencies in Kalbermatter's disclosure.

Three basic deficiencies are that Kalbermatter does not disclose or suggest (1) a watch crystal having two different thicknesses, i.e., "a thick zone and a thinned zone", (2) a "keyboard" including "a plurality of keys...for forming a plurality of capacitive sensors", and (3) "the keys of the keyboard being arranged in the thinned zone".

The Examiner again (apparently) asserts that the reference numeral "13" in Kalbermatter identifies "a keyboard", whereas, in fact, reference numeral "13" does not refer to keys of a keyboard but, rather, only to indices or numbers marked on the bezel of the watch (as shown in Kalbermatter's Fig. 4).

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Indeed, Kalbermatter's telephone watch does not have any keyboard whatsoever; rather, the number to be called is composed by the crown 10 of the watch (see figure 4 and lines 3 to 9 of the Abstract). When (in col. 3, lines 35 and 36) it is mentioned in connection with Figure 4 that indices 13 enable composing the telephone number, it is meant that the rotation of Kalbermatter's crown allows the hands 4 and 5 to be driven, in a superposed position, opposite a digit of the phone number to be dialed so as to select it, the confirmation of the selection of that digit being achieved by exerting a pressure onto the crown. This operation is repeated until all the digits of the phone number to be dialed have been selected. Therefore, there clearly is **no "keyboard"** disclosed or even suggested in Kalbermatter.

In this regard, the dictionary definition of "keyboard" is: "an assemblage of systematically arranged keys by which a machine (as a typewriter) is operated". (Webster's Third International Dictionary (unabridged), 1993, page 1239.)

Moreover, Applicant does not see in Kalbermatter any disclosure or even a suggestion of Applicant's claimed "thick zone and a thinned zone" of the crystal. **Again**, Applicant respectfully requests the Examiner to explain the use of the reference numeral "5" to identify a (non-existent) thick zone in Kalbermatter. The passage cited by the Examiner in connection therewith refers to an additional digital display arranged in the watchcase underneath the watch dial! Reference numeral 5, mentioned by the Examiner page 3, line 1 of the Office Action, designates the minute hand of the watch of Figure 4 and **not** a thinned zone of the crystal. The numbers "1" to "12" in Figure 4 form the conventional hour circle carried by the dial disposed underneath the watch crystal.

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The watch crystal of Kalbermatter is **conventional**. As neither an illustration of the cross-section of the crystal of the watch disclosed in Kalbermatter nor a written description thereof is presented in this reference, Applicant does not understand how the Examiner takes the liberty of interpreting Kalbermatter as disclosing or even suggesting (1) such a thick zone and a thinned zone, and (2) a keyboard deposited in the thinned zone (as there is no keyboard in Kalbermatter), and then combining such assumed teachings with Frenkel to conclude that the subject matter of claim 7 would have been obvious. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2-5 and 7, because the Examiner has not made out a *prima facie* case of obviousness of the subject matter of each of these claims. (New dependent claim 8 has been added to recite another feature of Applicant's invention.)

In summary, then, since there is **no keyboard** disclosed or suggested in Kalbermatter, there can be **no motivation** or suggestion "to combine the above teaching of Frenkel with Kalbermatter...", as **concluded** by the Examiner; that is, there is no "keyboard" in Kalbermatter to be replaced or modified by Frenkel's capacitive keys.

The rejections of claims 2-4 are also based on the Examiner's (mis)interpretation of Kalbermatter as including a watch crystal having both a thick zone and a thinned zone, whereas, explained above, Kalbermatter does **not** disclose or even remotely suggest a watch crystal having zones of **two different thicknesses**.

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 2-5 and 7 under 35 U.S.C. § 103(a) as being unpatentable over

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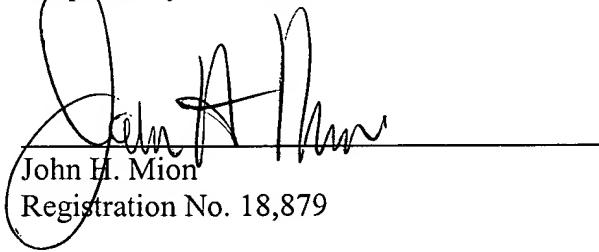
Kalbermatter in view of Frenkel, and to find the application to be in condition for **allowance** with all of claims 2-8.

REQUEST FOR INTERVIEW

However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of Two Months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: May 26, 2005